

VZCZCXRO7414

RR RUEHCD RUEHGD RUEHHO RUEHMC RUEHNG RUEHNL RUEHRD RUEHRS RUEHTM
DE RUEHME #0240/01 0282316
ZNY CCCCC ZZH
R 282316Z JAN 09
FM AMEMBASSY MEXICO
TO RUEHC/SECSTATE WASHDC 4851
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE
RHMFISS/DEPT OF JUSTICE WASHINGTON DC
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUCPDOG/DEPT OF COMMERCE WASHINGTON DC
RHMFISS/CDR USSOUTHCOM MIAMI FL
RHMFISS/HQ USNORTHCOM
RHMFISS/DEPT OF HOMELAND SECURITY WASHINGTON DC
RUEABND/DEA HQS WASHINGTON DC
RHEHAAA/NSC WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 000240

SIPDIS

E.O. 12958: DECL: 12/21/2017

TAGS: [PGOV](#) [PREL](#) [PINR](#) [MX](#)

SUBJECT: DEATH PENALTY DEBATE ROILS MEXICAN POLITICAL CLASS

Classified By: Political Minister Counselor Charles V. Barclay.
Reason: 1.4 (b), (d).

11. (C) Summary. Proposals to reinstate the death penalty in Mexico have sparked considerable debate within the country's political circles, with the National Action Party and the Revolutionary Democratic Party strongly opposed, the Revolutionary Institutional Party measuring the public mood, and the Green Party openly advocating for such a move. Human rights groups both domestically and internationally have roundly criticized the proposal, claiming reinstatement would be a step backwards for Mexico. Death penalty proponents face an uphill battle in actually seeing a return to capital punishment in Mexico, but they may gain some political mileage if they can use it to burnish their law-and-order credentials. At the very least, the willingness of the various political parties to discuss the topic illustrates the extent to which political leaders perceive pressure from or hope to capitalize on a Mexican public looking for more severe solutions to public insecurity woes. Nevertheless, tougher sanctions on kidnappers and murderers are unlikely to have any real impact on criminality in Mexico unless the scourge of impunity is eradicated and more resilient institutions constructed. End Summary.

PRI Governor Leads the Charge

12. (C) The passage in December by the Coahuila state congress of a law permitting the death penalty in cases where kidnappers kill their victims captured national attention and sparked the most recent round of debate over capital punishment. The death penalty in Mexico was abolished in 2005, but the last execution took place many years earlier in 11961. The proposal, sponsored by Revolutionary Institutional Party (PRI) Governor of Coahuila State, Humberto Moreira, was approved in the local congress by a 22 to 10 margin, with the PRI, Green Party (PVEM), and Democratic Unity of Coahuila Party voting in favor and the National Action Party (PAN) and Revolutionary Democratic Party (PRD) voting against. Because of a federal constitutional provision prohibiting the death penalty in Mexico, the Coahuila legislature then sent to Mexico's Federal Chamber of Deputies an initiative to reform the constitution and allow the state to implement its legislation. The proposal drew fire from the PAN, the PRD, civil society sectors, and international NGOs. While the PRI supported holding congressional debates on the issue, the PAN originally blocked even discussion of the bill.

Green Party's Platform Singularly Focused

13. (C) Mexico's Green Party appears to have built its party platform almost exclusively around the death penalty issue, with billboards advocating capital punishment sprinkled throughout Mexico City and other urban areas around the country. Green Party Deputy Jesus Sesma told Poloff on January 22 that the party's 15 member Executive Council, after two days of intense deliberations, decided last year to advocate the death penalty as part of a package of six or seven other security measures that it proposed to Congress in August and November. The party is advocating for a law that would permit the death penalty to be used in three situations: 1) homicide; 2) kidnapping in which the victim was murdered or mutilated; or 3) kidnapping in which a government official was involved and the victim was killed or mutilated. Sesma noted that Green Party moved on the death penalty issue, despite a "surprised" reaction from its counterparts in Europe and Latin America, because it felt compelled to do something about Mexico's deteriorating security situation. Sesma revealed that the Green Party hopes to open a dialogue with the public, envisioning a discussion similar to that on energy reform last fall. In January, the Green Party did indeed secure support from Congress' Permanent Commission to establish national forums for the discussion of re-introduction of the punishment.

Reaction from Parties Mixed, but Debate Moves Forward

14. (C) The response to the death penalty proposals has ranged from stringent opposition to non-commitment, but even the most hardline detractors appear to be hedging their bets,

MEXICO 00000240 002 OF 003

probably in fear that popular opinion could swing against them. The PAN has been most vocally against capital punishment on moral and political grounds. PAN leaders have opined that the death penalty is not a solution to the crime problem and in no way would guarantee a diminution in levels of violence, while arguing that the "circle of life should end from natural causes." PAN Senate President Gustavo Madero has highlighted Mexico's international obligations prohibiting it from death penalty reinstatement--the country is a signatory to the Inter-American Convention on Human Rights, for example, which includes protocols that prevent signatories who have abolished capital punishment to re-establish it. The Foreign Ministry (SRE) in an official bulletin also pointed to Mexico's co-authorship of a resolution sponsored by the European Union against the death penalty in the UN General Assembly. Both the PAN and the PRD have accused the Green Party of using the death penalty as a means to rally voters before the July legislative and gubernatorial elections. PRD Senator Tomas Torres told Poloff on December 4 that the death penalty discussion was pure politicking and simply a tactic to win votes in the upcoming elections. The Green Party faces an uphill battle this July --it currently has 17 deputies in the Chamber and would like to pick up vote share -- as Sesma told Poloff the party is concerned about the impact of the new electoral reforms that are restrictive for small parties.

15. (C) The PAN and the PRD have also charged the Green Party with carrying the PRI's water on the death penalty, which may at least be partially accurate. The Green Party is running in an electoral alliance with the PRI in some 63 districts for the July elections, and PRI party insiders have suggested that the PRI may indeed use the death penalty as a means to burnish its law-and-order credentials in the run-up to the vote. Sesma told Poloff that the PRI is not against capital punishment per se, but would like to see more public discussion on the issue, suggesting that the party could be treating the proposals from Coahuila and the Green Party as trial balloons to see how the public reacts before firmly committing to the measure. The PRI, in fact, may be divided on the issue, and has been cautious in its public stance vis-a-vis the death penalty. The party leader of Sonora State told ConGen that Governor Eduardo Bours does not

support reinstating capital punishment and that the national leadership may not, either. Indeed the party leadership has not specifically endorsed the measure, with PRI Senate leader Manlio Fabio Beltrones and others only lobbying for congressional debate on the topic since some 70% of Mexicans support the measure, according to a December poll in Mexican daily El Universal.

16. (C) Despite its initial rejection of a congressional death penalty debate, the PAN agreed on January 21 in Congress' Permanent Commission to establish national forums -- which will include experts, academics, and human rights campaigners -- for discussion. While the party continues to see capital punishment as an "electoral, demagogic, and unviable" solution to the crime problem and advocates instead for punishments such as life in prison, its willingness to change course and support debate may signal a recognition by the party that, given deteriorating security conditions, a less strident approach may be more politically expedient in the run-up to the July election.

Civil Society, Human Rights Groups Less Than Pleased

17. (C) Human rights groups both domestically and internationally have roundly criticized the proposal, claiming reinstatement would be a step backwards for Mexico. Amnesty International's local chapter has publicly denounced potential reinstatement by contending that it will not reduce violence in the country but will open the door to justifying other human rights abuses such as the use of mistreatment, torture, executions, or arbitrary arrests. The Catholic Church has been vocal in its opposition to the measure and has alleged that death penalty proponents are exploiting a serious matter for campaign purposes. International Relations Coordinator for the Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), Madeleine Penmen, told Poloff that Mexico's human rights NGO community opposes capital punishment and is critical of the political parties for playing up to the public mood on the topic in pursuit of

MEXICO 00000240 003 OF 003

political advantage. She also opined that the public's apparent support of the death penalty reflected the "underdevelopment" of civil society in Mexico in terms of its appreciation for human rights.

18. (C) The National Human Rights Commission (CNDH) has strongly rejected reinstatement and has argued that ending impunity and building strong judicial and law enforcement organizations are key to treating Mexico's crime problem, not simply increasing penalties against criminals who may never be arrested, tried, or convicted due to corrupt and inefficient institutions. Moreover, CNDH contends that the death penalty represent a backwards step for Mexico and, in fact, a danger given the "high levels of inefficiency" of the Public Ministry and the "unprofessional behavior" that has characterized its auxiliary organizations, such as the judicial police.

Comment

19. (C) Death penalty proponents face an uphill battle in actually seeing a return to capital punishment in Mexico. The Green Party on its own--or even in the less likely case of collaboration with the PRI--will not be able to secure the legislative majority necessary to amend the constitution, and the PAN and PRD at this point seem unwilling to cede too much ground on the issue. Ideologically, both parties probably find reinstatement of the measure unpalatable. The PAN in particular almost certainly would be averse to breaking international conventions -- particularly the 2nd Protocol to the American Convention on Human Rights to Abolish the Death Penalty, which Mexico signed in 2007 under President Calderon's watch. Moreover, despite the apparent high

approval levels for a reinstatement, reporting officers from other parts of Mexico such as Guadalajara, Sonora, and Baja California suggest that there is limited support for or even apathy toward such a move.

¶10. (C) Supporters of reinstatement may gain some political mileage if they effectively manage debate over the death penalty issue. The PRI, for example, in using a more moderate, tactical approach may be able to portray itself to voters as a party open to considering a more heavy hand on crime but still thoughtful enough to encourage discussion. The PAN's decision to support capital punishment forums in congress may be an acknowledgment that too intractable opposition to the measure may make it vulnerable to accusations that the government has not done enough to crackdown on Mexico's crime and violence problems. At the very least, the willingness of the various political parties to discuss the topic -- and the Green Party's decision to hinge its electoral hopes on the death penalty -- illustrates the extent to which political leaders perceive pressure from or hope to capitalize on a Mexican public looking for more severe solutions to public insecurity woes. Nevertheless, tougher sanctions on kidnappers and murderers are unlikely to have any real impact on criminality in Mexico unless more are brought to justice in the first place through better, cleaner policing. Further, the death penalty itself probably would not generate enough shock value to deter criminals in a society already lambasted by daily press coverage of brutal and gruesome images of violence.

Visit Mexico City's Classified Web Site at
<http://www.state.sgov.gov/p/wha/mexicocity> and the North American Partnership Blog at <http://www.intelink.gov/communities/state/nap/>
BASSETT